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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/464,161      | 12/16/1999  | SHINICHIRO GOMI      | 450100-02228        | 7195             |

20999 7590 07/28/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

NGUYEN, KEVIN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2674

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/464,161

Applicant(s)

GOMI ET AL.

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The request for reconsideration filed on 3/13/2003 is entered. However, the claims 1-5 and 9 have been rejected in view of the newly discovered reference(s) to Marshall et al in view of Yamamoto et al, and Takaha et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al (US 5,489,923) in view of Yamamoto et al (US 5,742,279).

**As to claims 1 and 4,** Marshall et al teach an image processing apparatus (11) associate the method, the apparatus comprises a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see figure 2, column 5, lines 50-54);

Marshall et al fail to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Yamamoto et al teach image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2, see figure 1, column 8, lines 3-10) on the basis of image information captured by said capturing means (camera, col. 11, line 55-57).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2) on the basis of image information captured by said capturing means taught by Yamamoto et al in Marshall et al's image processing apparatus because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen (column 2, lines 18-22 of Yamamoto et al).

As to claim 2, Marshall et al teach position determination means compensates the position of the bright point on the second image (21) to determine the position of the bright point on the first image (22) (see figure 2).

As to claim 3, Marshall et al teach the second image (21) is taken by a flow pick up (14), and blinking-pattern detection means (25), the first image (22) (see figure 2).

**As to claim 5**, Marshall et al teach the computer (10) providing a computer-readable program medium comprising:

capturing device (14) a first image (22), a projecting (17) a second image (21) on a screen area (18), blinking point by a laser pointer (25) (see figure 2, column 5, lines 50-54);

Marshall et al fail to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Yamamoto et al teach image extraction means (4) for extracting the second image (document No. 1) from the first image (document No. 2, see figure 1,

column 8, lines 3-10) on the basis of image information captured by said capturing means (camera, col. 11, line 55-57).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the image extraction means (4) for extracting the second image (document No. 1) from the first image (document No. 2) on the basis of image information captured by said capturing means taught by Yamamoto et al in Marshall et al's image processing apparatus because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen (column 2, lines 18-22 of Yamamoto et al).

**As to claim 9**, Marshall et al teach the presentation system which includes an image processing apparatus comprising: the apparatus comprises a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see figure 2, column 5, lines 50-54);

Marshall et al fail to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Yamamoto et al teach image extraction means (4) for extracting the second image (document No. 1) from the first image (document No. 2, see figure 1, column 8, lines 3-10) on the basis of image information captured by said capturing means (camera, col. 11, line 55-57).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the image extraction means (4) for extracting the second image (document No. 1) from the first image (document No. 2) on the basis of image

information captured by said capturing means taught by Yamamoto et al in Marshall et al's image processing apparatus because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen (column 2, lines 18-22 of Yamamoto et al).

4. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al in view of Takaha et al (US 6,021,221).

As to claims 1, 4, 5 and 9, Marshall et al teach the presentation system which includes an image processing apparatus (11), a computer (10) comprising: the apparatus comprises a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see figure 2, column 5, lines 50-54);

Marshall et al fail to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Takaha et al teach image extraction means (17) for extracting the second image (42) from the first image (22) (see figures 2 and 3, column 11, lines 16-27) on the basis of image information (22) captured by said capturing means (camera, column 8, line 43-44).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize image extraction means (17) for extracting the second image (42) from the first image (22) on the basis of image information (22) captured by said capturing means taught by Takaha et al in Marshall et al's image processing apparatus

because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5 and 9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furihata et al (US 6,512,507) teach a presentation system including extracting means (see figures 7 and 8, column 16, line 40 through columns 17 and 18, line 47).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen  
Examiner  
Art Unit 2674

  
**XIAO WU**  
**PRIMARY EXAMINER**